

# PLYMOUTH BOARD OF SELECTMEN

**TUESDAY, FEBRUARY 28, 2017**

MAYFLOWER ROOM, TOWN HALL, 11 LINCOLN STREET, PLYMOUTH, MA – 7:00 PM

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## **7:00PM - CALL TO ORDER**

Ken Tavares, Chairman of the Board, called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Present:        Kenneth A. Tavares, Chairman  
                  Anthony F. Provenzano Jr, Vice Chairman  
                  John Mahoney  
                  Sean Page (*Absent*)  
                  Shelagh Joyce  
  
                  Melissa Arrighi, Town Manager  
                  Derek Brindisi, Assistant Town Manager (*Absent*)

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## **7:01PM – PUBLIC COMMENT**

Steve Lydon came up first saying that he wanted to voice his disagreement with a request from a previous Selectmen's Meeting. The request was to have a question and answer portion added to the meeting agenda. Mr. Lydon feels that it would waste valuable meeting time when these questions could be answered by Town Staff during regular working hours. Mr. Lydon also expressed his opposition to having information printed out and on file at the Library stating that the information is already suitably available and this would just add time and cost to something that is already done. And lastly, Mr. Lydon wanted to express his support for the Town Hall being open one night per week.

Kevin Lynch came up next saying that he found the website difficult to manage. He also mentioned that he was concerned about loud music and loud motorcycles downtown. He finished by saying he expected an answer to be forthcoming from the Selectmen regarding his previous request for a question and answer portion of the Selectmen's Meetings. He also asked that this be put on the Agenda in the future.

Chairman Tavares stated that he would place it on the Agenda for the March 14, 2017 Selectmen's Meeting.

Wynn Gerhart from West Plymouth said she would like the Selectmen to consider locating Medical Marijuana Facilities throughout the Town and not concentrated in the Industrial Park as the Industrial Park has neighboring residential areas. She believes that the businesses should be dispersed throughout the community. She also mentioned that she read about the proposed parking deck in the Old Colony Memorial and she urged the Selectmen to have free parking for Town Hall transactions. She also suggested the Board consider providing short-term parking at Morton Park to provide more turnovers for those residents with parking stickers that want to visit the Park for a quick swim or run.

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**7:10PM – PUBLIC HEARING – The Captain’s Den**

Chairman Tavares read the Public Hearing Notice and invited the applicant up to the podium to speak to the Board.

Tom Hughes, Manager, explained that he and Eric Bevens own Quahog Republic, a business with restaurants in New Bedford, Falmouth, and Onset. They spoke about the type of establishment and the food selections as well as their excitement about opening this restaurant in Plymouth.

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved a New Annual All Alcohol Restaurant License for The Captain’s Den. *Voted 4/0*

On a motion Anthony Provenzano Jr and seconded by John Mahoney, the Board approved the following Licenses for The Captain’s Den:

- Common Victualler
- Comprehensive Entertainment (Group 1, Radio and TV)
- Extension of Hours (1:00am)

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**7:15PM – PUBLIC HEARING – Monte Christos**

Anthony Provenzano Jr, Vice Chairman, read the Public Hearing Notice into the record and invited the applicant to the podium to speak.

Demetrios Mallios, Manager, came up and explained that their application was for the transfer of an All Alcohol Restaurant License from Christos Mallios to Demetrios Mallios.

On a motion by Shelagh Joyce and seconded by John Mahoney, the Board approved the transfer of an Annual All Alcohol Restaurant License to Demetrios Mallios and Monte Christos Restaurant. *Voted 3/0 (Provenzano Abstained)*

On a motion by Shelagh Joyce and seconded by John Mahoney, the Board approved the following Licenses for Monte Christos Restaurant:

- Common Victualler
- Comprehensive Entertainment (Group 1, 2, 3, and 4)
- Extension of Hours (1:00am)

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**7:20PM – GREEN CARE THERAPEUTICS**

Chairman Tavares invited the Green Care Therapeutics representatives up the podium for their presentation.

Charles Smith, regulatory consultant for Green Care Therapeutics, came up and introduced the principals from the company and indicated that they wanted to open a Medical Marijuana Dispensary and Cultivation Facility on Robert J. Way in the Camelot Drive Industrial Park. Mr. Smith then gave an overview of the company, its policies, organization chart and security plans.

Selectmen Mahoney asked some questions regarding their security plan and then reminded them of the Host Agreement that the Town would want them to sign.

Mr. Smith said this was an \$8,000,000 industry and inferred that they would comply with the Host Agreement as mentioned. He also said that they had spoken to the Plymouth Police Chief regarding their security plan and he then walked the Selectmen through the process to enter the facility and to conduct a transaction, including the checkpoints along the way.

Selectman Provenzano asked a few questions about the future of the industry in regards to the State regulations and laws governing them are at odds with the Federal Law.

Mr. Smith indicated that the Medical Marijuana is something the Federal Government has intimated that they will not pursue fighting this at the State level. He believes there is safety with Medical Marijuana and that there will not be any Federal preemption.

Selectman Joyce stated some concerns about the landscaping around the building and the importance of shielding the facility, as expressed by the Police Chief.

Mr. Smith acknowledged that they had taken those comments made by the Police Chief under advisement and made landscaping adjustments to their plan accordingly.

Chairman Tavares thanked Charles Smith and the others for their presentation and stated that the Board would be making a determination on these requests from both Green Care Therapeutics and another Medical Marijuana Company at their next meeting.

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### **7:30PM – NEW TOWN HALL HOURS**

Selectman Joyce came up and gave a summary of her presentation on the New Town Hall Hours that she presented at a previous meeting. She walked the Board and audience through the data research again with comparisons to hours at other surrounding Town Halls. The research shows that many close early on Friday to accommodate staying open late one evening each week.

The Board of Selectmen were all supportive of having the Town Hall open late one evening per week and requested that the Town Manager start negotiations with the Unions on a change and to report back to them on a possible solution.

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### **7:35PM – ARTICLE 3 – Revolving Funds**

Melissa Arrighi, Town Manager, explained that this Article would establish a spending cap on all Town Revolving Funds and is voted on annually at Town Meeting.

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved moving Article 3 to the 2017 Spring Town Meeting. *Voted 4/0*

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### **7:40PM – ARTICLE 19 – Conservation Land**

Betsy Hall from the Conservation Commission explained that the action in this Article is to transfer three separate parcels of land from the Town Treasurer to the Conservation Commission. She stated that these tax-title properties were 1.7 acres, 2.47 acres, and 9 acres respectively. The first was located on Halfway Pond Road and was close to Wildland Trust property and had a trail out to Mast Road. The second parcel was along the Agawam River and was the only connector for Herons. And the third was on Gunner's Exchange Road and

was contiguous to Massasoit National Refuge. She added that all three parcels support wildlife, plants, and our natural resources and were important to keep in Open Space.

On a motion by John Mahoney and seconded by Anthony Provenzano Jr, the Board approved moving Article 19 to the 2017 Spring Town Meeting. *Voted 4/0*

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**7:45PM – STM ARTICLE 2 – Budget Amendment**

Melissa Arrighi, Town Manager, explained that her office needed a \$70,000 Budget Amendment as the legal budget needed supplemental funds due to the ongoing litigation with Veolia and the Sewer failure.

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board approved moving STM Article 2 to the 2017 Spring Town Meeting. *Voted 4/0*

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**7:50PM – STM ARTICLE 5 – Bond Premiums**

Town Manager Arrighi explained that the 2016 Municipal Modernization Act provided that the premiums received on Bonds can now be used to reduce borrowing and pay for project costs, rather than being General Fund revenue. She said the Article allows the Town to follow the Amended Law on all previous authorizations for which we have not yet long-term borrowed for.

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved moving STM Article 5 to the 2017 Spring Town Meeting. *Voted 4/0*

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**7:55PM – STM ARTICLE 6 – Nuclear Mitigation**

Town Manager Arrighi explained that the Town attempt to place money in this fund annually in order to mitigate the impacts of the Nuclear Plant closing in the future. She added that this year they would like to place \$1,000,000 into the fund with the source being free cash.

On a motion by John Mahoney and seconded by Anthony Provenzano Jr, the Board approved moving STM Article 6 to the 2017 Spring Town Meeting. *Voted 4/0*

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**8:00PM – STM ARTICLE 8 – Revolving Fund By-Law**

Ms. Arrighi told the Board that this Article would establish a by-law for the creation of Revolving Funds by by-law rather than Town Meeting votes. She then assured the Selectmen that spending caps would still require the legislative branch.

On a motion by Shelagh Joyce and seconded by John Mahoney, the Board approved moving STM Article 8 to the 2017 Spring Town Meeting. *Voted 4/0*

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**8:05PM – STM ARTICLE 13 – PSHS Construction Costs**

Chairman Tavares invited Gary Maestas, Superintendent of Plymouth Schools, to come up and present this Article.

Superintendent Maestas came up and explained that the New Plymouth South High School budget was such that they needed another \$3,100,000 in order to build comparable fields to Plymouth North High School. He summed up his previous presentation by stating that the School Committee was committed to applying any contingency dollars towards this expense. He said currently the contingency appears that it will be approximately \$1,500,000 to \$1,800,000 however, that would not be known until September and that they needed the field money now. In addition, he explained that lighting for the fields, listed as alternative five in the bid process, was approximately \$1,000,000. They were not asking for those funds, rather they were exploring a solar project that could pay for the lighting. Dr. Maestas also said that they believe in that project and think it can happen.

Selectmen Mahoney asked about the solar project and if a location had been selected, and if so would trees have to be cleared, to which Dr. Maestas said he assured the Board that the solar project would be on public property and would not involve the cutting of trees.

Selectmen Mahoney summed up the request by saying in a perfect world 1.2 to 1.6 million dollars would be borrowed and the rest would be covered by contingency and solar project, to which Dr. Maestas agreed.

Selectman Joyce wanted some assurance that there had been no decrease in the contingency funds of 1.5 to 1.8 million dollars since the last presentation and request for this field money. In addition, she wanted to express some disappointment that the Building Committee was once again not represented at this meeting and they should be, particularly to express how we ended up being so off-track with the expenditures.

Selectmen Provenzano offered an explanation stating that the cost over-run was due to the depressed construction economy versus the more robust environment we're finding now, thus driving up the per footage costs.

Chairman Tavares then opened the conversation up to the public and Steve Lyden came up saying that he agreed that the increase was caused by the construction boom and that the Town was still below the 199 million dollar over-ride and he would hate to "go cheap" now.

Selectman Joyce also agreed with this philosophy, however, she was concerned about the lack of communication and outreach regarding this important and costly issue. She was also quite concerned about having the Selectmen boxed into a corner regarding the timing as well.

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved moving STM Article 13 to the 2017 Spring Town Meeting. *Voted 4/0*

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### **8:25PM – STM ARTICLE 15 & 16 – Rescind STM Article 10 and ATM Article 14 (2010)**

Chairman Tavares announced that the Board will hear both Special Town Meeting Articles 15 and 16 at the same time and invited Melissa Arrighi to begin.

Melissa Arrighi, Town Manager, began by explaining that years ago the Redevelopment Authority had expressed interest in redeveloping a small two bedroom house at 217 Roxy Cahoon Road for an affordable housing project. The 2010 Town Meeting supported two Articles in regards to this property. She said the first Article transferred the property to the Plymouth Redevelopment Authority for this purpose and the second Article provided the Community Preservation Committee funds towards the project, which never was realized.

Ms. Arrighi then stated that through a random review of Town owned property by our Tax Collector, this abandoned house under the PRA was discovered. The Treasurer/Collector and the Town Manager would both like to see this property placed in auction and restored to the tax-roll. She also explained that these two Articles would reverse that action taken at the 2010 Town Meeting and would essentially place the property back under town control And would unencumber the CPC funds associated with the project.

Selectmen Joyce said that she had asked the Town Manager to put together a portfolio of past Town Meeting Articles approved over the last five years and what their status was today. She stated by having this type of annual record keeping, Articles such as this could be identified earlier and could benefit the Town as well as prevent old Articles and legislation actions from falling through the cracks.

The Board then discussed how this might be similar to Burke's Law, a process that requires staff to review all Article 8 and Article 9 issues to determine if there is any funding remaining that can be closed out and applied elsewhere.

Ms. Arrighi, the Town Manager, agreed with that and added that it would also be helpful to do this practice with all CPC Articles and that she would pursue this idea.

Selectmen Mahoney spoke about the Town's overall situation in terms of Massachusetts General Laws, Chapter 40B and affordable housing goals established by the State. He indicated that the State law was both obsolete and had a "one size fits all" approach from 1969 that does not work for all communities. He also expressed frustration about the inability for this legislation to be updated and made workable.

Chairman Tavares said that he would set up a future meeting regarding coming up with some affordable housing ideas for change and request that the State Delegation attend, as the laws must change at the State level.

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board approved moving STM Article 15 and STM Article 16 to the 2017 Spring Town Meeting. *Voted 4/0*

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#### **8:35PM – STM ARTICLE 17 – Snow Deficit**

Town Manager Arrighi stated that the State had allowed Towns to amortize Snow and Ice debt from the 2015 record breaking storms over a multi-year period. This Article would provide the Town of Plymouth to pay off that remaining deficit.

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board approved moving STM Article 17 to the 2017 Spring Town Meeting. *Voted 4/0*

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#### **8:43PM – STM ARTICLE 18 – Rocky Pond Road**

Chairman Tavares indicated that Attorney Serkey was not yet present, thus the Board could not hear Article 18 and he then recommended that the Board move on to do Licenses and Administrative Notes and see if he shows up by the time they finish.

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## 8:45PM - LICENSES AND ADMINISTRATIVE NOTES

### LICENSES

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved a New Vehicle for Hire Operator License for **Special Occasion Limousine**: *Voted 4/0*

- Philip Romano, 6 Unity Drive, Plymouth, MA 02360

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved One Pole Petition 2139131 for **Eversource Energy** and **Verizon** to cover the installation of one new pole and one relocation on Clark Road in Plymouth. This is necessary in order to provide electrical upgrades and clearance for road work. *Voted 4/0*

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved One Petition MA2016-52 for **Verizon** proposed to place cable from existing Pole 1052-2 on the Town Way leading to and on the Town Pier for a total distance of 550 feet and terminating at the Harbor Master's Office and the Charter Boat Ticket Office. *Voted 4/0*

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved a Common Victualler License for **Big Al's Breakfast and Lunch**. *Voted 4/0*

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved the following License for **Big Al's Breakfast and Lunch**. *Voted 4/1*

- Comprehensive Entertainment License (Group 1 – TV)

On a motion by Shelagh Joyce and seconded by John Mahoney, the Board approved a Pledge of License to the Rockland Trust Company for **Monte Christos Restaurant**. *Voted 3/0*  
(Provenzano Abstained)

### ADMINISTRATIVE NOTES

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board voted to executed an Acceptance of the Grant of Easement for the highway purposes from **25 Water Street Cafe** as voted on under Article 22 of the 2016 Fall Town Meeting. *Voted 4/0*

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board voted to execute the Annual Town Meeting Warrant and the Special Town Meeting Warrant for the **2017 Spring Town Meeting**. *(Pending the approval by the Town Manager) Voted 4/0*

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board voted to re-appoint Cindi Walsh-Hamlin to the **1749 Court House Committee** for a term beginning immediately and terminating on June 30, 2019. *Voted 4/0*

On a motion by Shelagh Joyce and seconded by Anthony Provenzano Jr, the Board approved an Amendment to the **Board of Selectmen's Operating Budget** made by the Finance Committee. *(Town Meeting Articles 7A through 7E) Voted 4/0*

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board Reaffirmed their Vote to place the **Mount Pleasant School** on the Market pursuant to the previous motion and stipulations. *Voted 4/0*

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board executed an Acceptance of Deed for 26 acres of land located off **Little Sandy Pond Road** and Livingston Drive as voted on under Article 16G of the 2016 Fall Town Meeting. *Voted 4/0*

On a motion by Shelagh Joyce and seconded by Antony Provenzano Jr, the Board approved the Open Meeting Minutes from the **February 14, 2017 Selectmen's Meeting** with minor changes as submitted by Selectman Joyce to Chris Badot. *Voted 4/0*

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#### **8:49PM - COMMITTEE LIAISON / DESIGNEE UPDATES**

None

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#### **8:50PM - OLD BUSINESS / LETTERS / NEW BUSINESS**

Selectman Mahoney commented about Chapter 40B and stated that in order for Plymouth to be at the 10% affordable housing requirements, Plymouth would need to establish an additional 1700 affordable housing units. He said that when considering .75 children per unit, this would mean at least three new schools. Selectman Mahoney said he doesn't mind having the State Delegation visit in order to discuss the importance of changing this out dated and useless law, however, he feels it may not have a successful outcome.

Selectman Joyce spoke about the Manomet Elementary School's efforts to replace the playground at no cost to Plymouth tax-payers. She wanted to particularly point out the efforts of the Principal to raise these funds independently. Selectman Joyce reminded the public at large that this Saturday Night there will be a Family Feud Fundraiser for this purpose and she encouraged everyone to attend and support this effort. She also mentioned that the Selectmen and the Police Department both have teams that will compete. She wanted to publicly thank and express her admiration to the Principal and those who have supported this cause.

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#### **9:05PM - ADJOURNMENT**

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board voted to adjourn the Open Session at 9:05pm. *Voted 4/0*

*By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Joyce-Yes*

**Recorded by:** Melissa Arrighi  
*Town Manager*